

# CONSTITUTION SUMMARY AND EXPLANATION

## THE COUNCIL'S CONSTITUTION

This is the Constitution of South Derbyshire District Council and it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. It also includes more detailed procedures and codes of practice which are provided in separate rules and protocols in Parts 4 and 5 of the Constitution.

## WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to provide clear community leadership in partnership with the local community including citizens, business and other organisations, to improve service delivery, to provide more opportunities for involving local citizens in local decision making and to increase the effectiveness of the Councillors' representative role. The Council will also ensure that decision-makers are more accountable for their decisions both within the Council and to citizens and the decision making process itself is more transparent. Articles 2 –15 explain the rights of citizens and how the key parts of the Council operate:

Article	1	The Constitution
Article	2	Members of the Council
Article	3	Citizens and the Council
Article	4	Full Council
Article	5	Chairing Full Council
Article	6	Overview and Scrutiny Committee
Article	7	Policy and Regulatory Committees
Article	8	The Standards Committee
Article	8A	The Standards Sub-Committees
Article	9	Area Forums
Article	10	Joint Arrangements
Article	11	Officers
Article	12	Decision Making
Article	13	Finance, Contracts and Legal Matters
Article	14	Review and Revision of the Constitution
Article	15	Suspension, Interpretation and Publication of the Constitution

## HOW THE COUNCIL OPERATES

The Council is composed of 36 Councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow the Members' Code of Conduct and all other relevant Codes and Protocols set out in Part 5 of this Constitution to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as Full Council. Meetings of Full Council are normally open to the public. Here Councillors decide the Council's overall Policies and set the Budget each year. Full Council will debate and adopt the Budget and Key Policies and will appoint 5 Policy and Regulatory Committees to be responsible for the provision and management of the services that it provides and to exercise its regulatory functions.

The public will be encouraged to participate at Full Council and most Committees by the inclusion of an item on the agenda for public questions.

### **HOW DECISIONS ARE MADE**

Most day-to-day decisions are made by Committees or Officers. The Council has 3 Policy Committees which deal with Finance & Management, Environmental & Development Services and Housing & Community Services. The Council also has 2 Committees which carry out a number of Regulatory functions, including dealing with planning applications (the Planning Committee), licensing and other regulatory business (the Licensing & Appeals Committee).

Meetings of the Council's Committees are open to the public except where personal or confidential matters are being discussed.

### **OVERVIEW AND SCRUTINY**

An Overview and Scrutiny Committee supports the work of the Policy Committees and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations that advise the Policy Committees and Full Council on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Policy Committees. It can 'Call-In' a decision that has been made by a Policy Committee but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the Policy Committee or Full Council reconsider the decision. The Overview and Scrutiny Committee may also be consulted by Policy Committees on forthcoming decisions and the development of policy.

The Overview and Scrutiny Committee meets once each year to scrutinise decisions made or other action taken by the responsible authorities in relation to crime and disorder. Individual Members of the Council may also request the Committee to consider and debate a topic of neighbourhood concern, which is known as a "Councillor Call for Action". The Committee may co-opt persons to assist in its workload generally and may consider conferring voting rights on such persons, when dealing with crime and disorder matters.

The Overview and Scrutiny Committee undertakes an annual review of the use of directed surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) and sets the Council's policy and guidance, considering quarterly internal reports on the use of RIPA to ensure compliance with the policy.

### **AREA FORUMS**

In order to give local citizens a greater say in Council affairs there are regular Area Forums in each of the former six County Council Electoral Divisions of Etwell, Linton, Melbourne, Newhall, Repton and Swadlincote. These are consultative Forums which can make recommendations to Policy Committees. They include representatives from the District

Council, the County Council, the Police and the Parish Councils for each particular area and are held in public.

### **THE COUNCIL'S STAFF**

The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between Officers and Members of the Council as set out in Part 5 of the Constitution.

### **CITIZENS' RIGHTS**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in Full Council's and Committees' question times and contribute to investigations by the Overview and Scrutiny Committee<sup>1</sup>;
- see reports and background papers, and any record of decisions made by Full Council and its Committees;
- complain to the Council in accordance with the Council's complaints procedure;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own Comments, Compliments and Complaints Procedure;
- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct; and
- inspect the Council's Accounts and make their views known to the External Auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Legal & Democratic Services on 01283 595831.

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<sup>1</sup> Except Planning Committee. Separate rules governing public question time for this Committee are in place.